

BARNSLEY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD

**Venue: Town Hall, Moorgate
Street, Rotherham S60
2TH**

Date: Monday 12 September 2022

Time: 9.30 a.m.

A G E N D A

- 1. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.**
- 2. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.**
- 3. Apologies for absence**
- 4. Declarations of Interest**
- 5. Minutes of the previous meeting held on 18 July 2022 (copy attached) and matters arising (Pages 2 - 7)**

To approve the minutes of the previous meeting and to discuss matters arising from the previous minutes, which are not included elsewhere on the agenda.

- 6. BDR Managers Report (Pages 8 - 17)**
 - Governance
 - Contract Delivery
 - Legal
 - Financial
 - Communications
 - Resources
- 7. Current Issues**
- 8. Risk Register (Pages 18 – 24)**
- 9. Any Other Business (Pages 25 – 29)**
 - HWRC Procurement
 - Community Liaison Group Meeting Minutes (for information only)
- 10. Date, time and venue for the next meeting**

Monday 5 December, 2022 at 9.30am in Rotherham Town Hall.

BARNSELY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD
Monday 18 July 2022

Present: Councillor Houlbrook (outgoing Chair), Councillor Beck (incoming Chair), Councillor Higginbottom with Paul Hutchinson, Lisbeth Baxter, Barry Connolly, Andrew Simpson, Gill Charters, Rhonda Fleetwood and Samantha Mullarkey.

128 TO DETERMINE IF THE FOLLOWING MATTERS ARE TO BE CONSIDERED UNDER THE CATEGORIES SUGGESTED IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT 1972.

Agreed.

129 TO DETERMINE ANY ITEM WHICH THE CHAIRMAN IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY.

There were no urgent items to consider.

130 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Sam Barstow, Paul Castle, Kellie Hopkins and Nigel Naisbitt.

131 DECLARATIONS OF INTEREST

There were no declarations of interest.

132 MINUTES OF THE PREVIOUS MEETING HELD ON 7 MARCH 2022 (COPY ATTACHED) AND MATTERS ARISING

The Minutes were approved as a correct record of the meeting. There were no matters arising.

133 JOINT WASTE BOARD

The Barnsley, Doncaster and Rotherham Joint Waste Manager submitted a report stating that one of the contractual documents entered into between the Barnsley, Doncaster and Rotherham Local Authorities at financial close of the BDR Waste PFI project was an Inter-Authority Agreement (IAA). This IAA creates the Joint Waste Board (“JWB”) as a joint committee pursuant to Section 101(5) of the Local Government Act 1972, which is established as part of the joint working arrangements between the Local Authorities for the management and administration of what are termed Relevant Contracts under the IAA. At the date of today’s meeting, the BDR Waste PFI Contract is the only Relevant Contract to which the IAA applies and is referred to as the “Principal Contract”.

The submitted report detailed how the functions of this Joint Waste Board will be delegated down to the BDR Steering Committee and the BDR

Manager in order to deal more efficiently with the day-to-day decisions that will be required under the Principal Contract. All decisions of the JWB, BDR Steering Committee and the BDR Manager will be made in accordance with the provisions of the prevailing Inter-Authority Agreement. In accordance with the IAA, the appointment of Chair and Vice-Chair of the Board rotated on an annual basis.

Resolved:-

- 1) That Councillor Beck of Rotherham Metropolitan Borough Council be appointed Chair of the Barnsley, Doncaster and Rotherham Joint Waste Board for the 2022/23 Municipal Year and Councillor Higginbottom of Barnsley Metropolitan Borough Council be appointed as Vice-Chair for the 2022/23 Municipal Year; and
- 2) That the Doncaster Metropolitan Borough Council Steering Committee Representative becomes Chair of the Steering Committee for the 2022/23 Municipal Year and the Rotherham Metropolitan Borough Council Steering Committee Representative becomes Vice-Chair of the Steering Committee for the 2022/23 Municipal Year.
- 3) That the JWB note that:
 - a. With the exception of the decisions reserved to the Authorities for a unanimous decision under the IAA3, all other decisions in respect of the Principal Contract are delegated by the JWB to the chair of the BDR Steering Committee (the "Authorised BDR Steering Committee Member").
 - b. The Authorised BDR Steering Committee Member may elect to delegate certain decisions to the BDR Manager.
 - c. The BDR Manager may delegate any decisions delegated to them to a member of the Joint Waste Team (if the right to delegate is granted by the Authorised BDR Steering Committee Member).
 - d. That Doncaster Borough Council's representative officer on the BDR Steering Committee will be the Authorised BDR Steering Committee Member for 2022-2023.

Before handing over the chairmanship, Councillor Houlbrook wished to place on record his thanks to the officers and elected Members that had supported him during his time as Chair. It had been a difficult but enjoyable year and he wished Councillor Beck the best for his time in the chair.

The Board placed on record their thanks to Councillor Houlbrook for

chairing the meetings for the previous year.

Councillor Beck then took over as Chair for the remainder of the meeting.

134 BDR MANAGERS REPORT

Paul Hutchinson introduced the Annual Report which had been circulated prior to the meeting and highlighted the following issues relating to the Joint Waste Private Finance Initiative for the period April 2021 to March 2022:

- Resources
- Governance/Strategic Meetings
- Contract Delivery
- Legal
- Financial
- Communications
- Joint Working and BDR Support

Paul Hutchinson confirmed that it had been a very good year for the contract. All statutory meetings had been held. The recycling rate for 2021/22 was 14.96% which was an increase of 1.16% from 2020/21. The Bolton Road facility had also achieved 98.09% diversion from landfill, an increase of 0.21% on the previous year.

The tonnage forecast for April 2021 to March 2022 had been 211,000. However, the Year End Outturn had in fact been 219,000. The variance had been attributed to the prolonged effected of the second, third and fourth waves of COVID-19. March 2022 saw less waste than anticipated due to a later Easter at the same time as COVID-19 restrictions lifted resulting in less home working and home schooling. It was possible that the current cost of living crisis could now be taking effect and less waste may be being produced.

The number of complaints was down 84.3% to 22 and included four unsubstantiated complaints. Fly management had also improved and the Environment Agency were confident that all best practices were in place.

There had been minimal health and safety incidents and the contractor had obtained full cover of insurance for 2022. The lead insurer was still Aviva.

In terms of the 2021-22 Operational Management Budget expenditure, there was a £37,877 underspend. Most of the savings had come from prudent use of external consultants. Approval from the Joint Waste Board in September 2021 meant the Operational Management Budget was increased from £287,000 to £325,000 (+£38K) to cover the additional spend of £59k for the RMBC commissioned, Local Partnership produced, HWRC options appraisal project. In year savings had been achieved to

cover the additional spend within the original budget of £287k.

The BDR Manager proposed that the Joint Waste Board approve the 22/23 budget which would remain at the same (original) level as 21/22 - £287,000. Expenditure had been profiled and re-calculated to ensure the team met all the anticipated workloads due in the 22/23 financial year.

Existing savings within the current management budget (0.4 vacant FTE of Senior Contract Officer Post) would be utilised to change the current Admin Assistant post into a three-tier career development grade, becoming Technical Officer. This post enhancement had been agreed to enable skill and knowledge gaining within the team to build for team continuity and future contingency planning.

In addition, a restructure to the current BDR team had been proposed and approved by Steering Committee. The re-structure would see two, two-year temporary positions created within the team, specifically to assist the BDR Partnership deliver the outcomes of the Recycling & Waste Strategy. The two posts to be created would be a Senior Technical Officer and an Admin Apprentice. The posts were to be temporary for two years. The recruitment date for both posts would depend upon the Government and their eventual revised timetable of the R&WS. A full year's salary expenditure (with on-costs) would be £39,399 & £23,611 (pro-rata within the first and last year dependant on when recruited.) The Joint Waste Board was asked to approve this additional spend, and for it to be added to the Operational Management Budget.

In response to questions, it was confirmed that salary savings were the main reason the funding for the HWRC appraisal could be funded from the original budget. It was also confirmed that there was a risk that the proposed budget for 2022/23 would not be enough. However, Officers were of the view that it would be better to proceed with the proposed budget and if any further funds were required, a report would be brought back asking for those additional funds.

Questions were also asked in relation to the Waste Infrastructure Credits from DEFRA. It was confirmed that these were fixed for every year and do not change.

Paul Hutchinson advised that peaks in the Health and Safety "Near Miss" calls over particular months was in relation to proactive training and due to the fact that more people had begun working back on site following the pandemic in September, October and November.

Resolved:

- 1) That the report be noted.
- 2) That the Joint Waste Board approve the 22/23 budget which will remain at the same (original) level as 21/22 at £287,000.

- 3) The Joint Waste Board approve the additional spend for the new posts as outlined in Section 4.2.4 of the report, and for it to be added to the Operational Management Budget.

135 CURRENT ISSUES

Paul Hutchinson gave an update on current issues. High winds in January damaged the silencer for the de-dusting stack. The affected section was removed, inspected, redesigned and refabricated. Work was also ongoing regarding the corrosion of walls in pasteurization tunnels.

Regular checks on the sites were ongoing due to the recent heatwave.

136 RISK REGISTER

Paul Hutchinson introduced the Risk Register and highlighted the following areas:

- There had been no new risks added to the Register.
- Two risks had been reduced slightly – Changes in Local Authority Policy (lowered due to renewed commitment to work together where possible) and Environmental Impact to Local Area from Noise/Odour/Flies/Vermin etc (Compliance (lowered due to continued improvement with site management.)
- Officers would be monitoring all risks relating to the Supply Chain, Cost of Manufacture, Energy Supply, Human Resources and Euro/Brexit due to the “cost of living crisis.”
- The three red risks were:
 - o Changes to Collection services and the impact on the PFI contract
 - o Changes in Government Law/Regulations including the Waste and Resources Strategy
 - o Changes in Technology due to innovation or Government Law/Regulation (Carbon Capture)

Resolved:

- 1) That the risk register be noted.

137 ANY OTHER BUSINESS

Household Waste Recycling Centre Procurement

It was noted that work was currently underway on the options in relation to the new Household Waste Recycling Centre Procurement. Councillor Beck reported that Rotherham Cabinet had agreed at its meeting in July that a joint procurement option should be taken forward. It was understood that the matter would be taken to Doncaster Cabinet in August and Barnsley Cabinet in September.

The key points from the Rotherham perspective were that payment of the Living Wage and Social Value had to be built into the procurement contract. Concerns had been raised over the length of the contract, with five years being preferred to the proposed eight.

Officers advised that the reason eight years was being discussed was that this would cover the procurement of vehicles and ensure value for money for the contract holders. Five years had been used previously as some of the infrastructure was in place. However, this time around, that infrastructure would all need replacing and as such, eight years was seen as the most economically advantageous option.

Officers also advised that other improvements that were being considered were the introduction of ANPR cameras at HWRC's, allowing local Small and Medium Business commercial waste disposal for a fee and alignment of working practices. It was reported that there had been 3700 responses to the consultation to date with the public giving their views on what improvements they wanted to see.

From a Doncaster perspective, concerns had been raised that the introduction of ANPR cameras could lead to an increase in fly tipping. Officers confirmed that whilst they understood these concerns, evidence from other Local Authorities and the public service waste sector did not support this. Doncaster would support the inclusion of Social Value and the Living Wage. However, they too had concerns about the eight year term, particularly around the flexibility the JWB would have in what would be very challenging times. Concerns were also raised about the possible introduction of supersites as Councillor Houlbrook did not think they would work well in Doncaster. The proposal to allow residents from any of the three boroughs to use any HWRC was supported.

Councillor Higginbottom agreed and stated that he was in favour of ANPR cameras and of the opening of HWRC's to residents from all three boroughs. Again, he did not think that supersites would work well in Barnsley.

Officers confirmed that there was an 8-week window before the tender would be published and as such, the details needed to be agreed before then. As the South Yorkshire Leader's meeting would take place after then, it was **agreed** that a meeting be held once the consultation had finished between key officers and elected Members from each of the three authorities.

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DATE, TIME AND VENUE FOR THE NEXT MEETING

The next meeting will take place on 12 September 2022 at Rotherham Town Hall subject to confirmation of attendance by representatives of all member Councils.

**BDR WASTE PFI
BDR MANAGER UPDATE REPORT
12 September 2022**

1. Governance

- 1.1. Contract Data - Performance reports are produced by the contractor on the 15th of each month, including information up to the end of the previous month. As the JWB meeting is held on the 12th September the contractors supplied data only includes up to 31st July 2022 (August contractual information will not be received until the 12th August). Through monitoring of the contract and communication with the contractor, the BDR team have included additional information on performance up to date, and the team have no concerns with performance and service delivery.
- 1.2. BDR Team is now resuming work, when appropriate to do so, from offices in all three Authorities and Bolton Road.
- 1.3. The BDR Team continues to comprise of:-
- 0.6 FTE Waste Manager – Beth Baxter.
 - 0.4 FTE Waste Manager – Paul Hutchinson
 - 0.6 FTE Senior contract Officer – Paul Hutchinson
 - 0.4 FTE Senior Contract Officer – Vacant
 - 1FTE – Admin / Technical Officer (Career grade) – Rhonda Fleetwood

In addition, and pending the outcomes, of the Resource and Waste Strategy, government direction and secondary legislation, the creation of a further two new 2-year posts has been agreed.

- Senior Technical Officer - to assist with anticipated large legislation changes and contract re-negotiation
- Admin Apprentice post to support the team as it delivers the anticipated workloads,

These posts will not commence until the new workloads and Service Change requirements from new Legislation are fully understood and timetabled.

- 1.4. The BDR Team continues to receive external Legal Advice from Neil Tindell and Financial Advice from Craig Pember, both of whom have been advising the BDR Team on PFI matters and partnership working since the conception of the PFI Waste treatment facility project.

2. Contract Delivery

2.1. Waste Treatment – Bolton Road Facility

2.1.1. BDR Waste Received

Table 1 – Year to date contract tonnes processed

Inputs		2021/22	April	May	June	July	YTD 2022/23
	Contract Waste (Limbs)						
Barnsley	A (Household)	56765.72	4537.48	4435.30	4643.62	4218.56	17834.96
	B (Commercial)	5829.66	460.22	512.36	514.24	497.04	1983.86
	C (HWRC)	5041.26	442.08	423.12	387.78	380.00	1632.98
	D (Public Highways etc)	1075.52	75.92	83.76	74.00	73.32	307.00
	E (Grounds Maintenance)	0.00	0.00	0.00	0.00	0.00	0.00
Doncaster	A (Household)	74088.55	5982.26	5842.48	5639.54	5521.70	22985.98
	B (Commercial)	5303.72	472.14	525.44	529.54	531.58	2058.70
	C (HWRC)	7340.50	660.00	602.72	593.18	577.44	2433.34
	D (Public Highways etc)	0.00	0.00	0.00	0.00	0.00	0.00
	E (Grounds Maintenance)	0.00	0.00	0.00	0.00	0.00	0.00
Rotherham	A (Household)	53559.70	4218.29	4453.10	4346.74	4042.88	17061.01
	B (Commercial)	3213.33	248.94	271.96	256.92	244.02	1021.84
	C (HWRC)	5732.70	523.36	510.32	463.38	456.00	1953.06
	D (Public Highways etc)	0.00	0.00	0.00	0.00	0.00	0.00
	E (Grounds Maintenance)	0.00	0.00	0.00	0.00	0.00	0.00
	<i>Limbs A&B Sub-Total</i>	198760.68	15919.35	16040.64	15930.60	15055.78	62946.37

2.1.2. Third-party waste received

Table 2 - Year to date Third Party waste tonnes processed

Inputs - 3rd Party	2021/22	April	May	June	July	YTD 2022/23
Renewi Derby	7319.70	1049.94	1077.26	1055.34	1878.34	5060.88

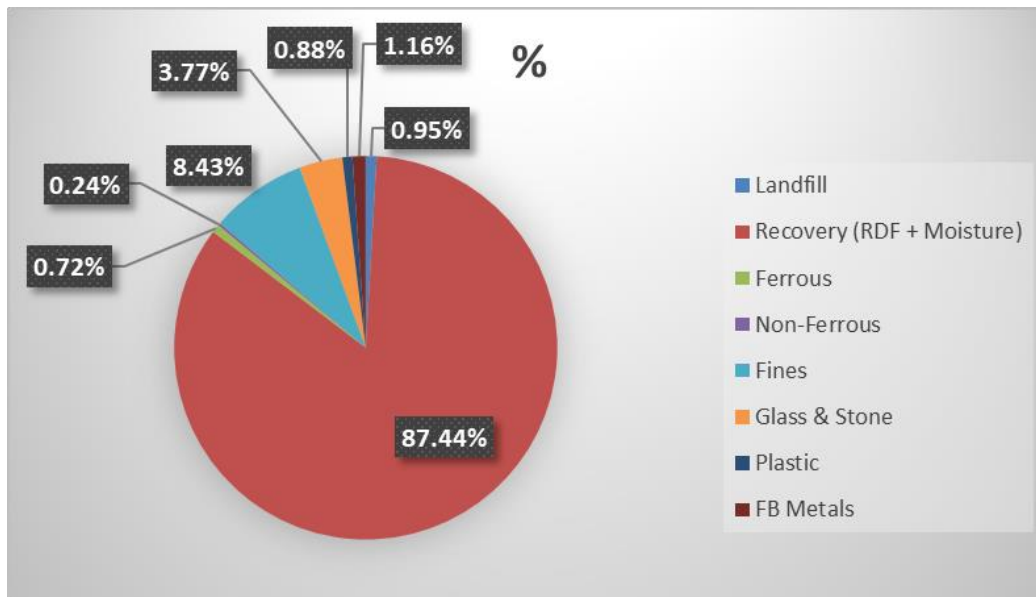
2.1.3. The amount of Third-party waste being accepted is monitored and managed by the Contractor against Council Delivered Tonnage (currently decreasing) to ensure sufficient capacity to process and prioritise BDR waste. This will also allow for smoother acceptance of the priority waste from the Councils and increased reception pit cleaning as part of Renewi's fly management measures.

2.1.4. Process Outputs

Table 3 - Year to date Bolton Road Process Outputs

Contract Outputs	2021/22	April	May	June	July	YTD 2022/23
Landfill	2109.52	138.28	213.03	184.10	121.76	657.17
Recovery (RDF + Moisture)	188769.97	16115.58	16350.50	14917.42	13189.72	60573.22
Ferrous	1397.50	129.23	135.03	89.15	100.34	453.75
Non-Ferrous	333.18	24.43	62.66	37.66	23.34	148.09
Fines	12829.59	1216.58	1184.98	1102.57	967.94	4472.07
Glass & Stone	6741.93	565.30	625.06	576.32	606.30	2372.98
Plastic	3717.06	229.83	99.52	60.13	162.48	551.96
Direct Delivered	0.00	0.00	0.00	0.00	0.00	0.00
<i>Recycling Sub-Total</i>	25019.27	2165.38	2107.25	1865.82	1860.41	7998.86
Ferrybridge Metals	2321.35	194.82	195.18	184.52	155.04	729.56
AWM-Recycling	0.00	0.00	0.00	0.00	0.00	0.00
Fines CLO Uplift	2402.41	227.81	221.89	206.46	181.25	837.41
<i>Recycling Total</i>	29743.03	2588.01	2524.32	2256.81	2196.70	9565.84
Outbound Total	215898.75	18419.23	18670.79	16967.35	15171.90	69229.27

Figure 1 – Contract Outputs



2.1.5. Process Performance

Table 4 - Year to date Bolton Road Process Performance

Performance	2021/22	April	May	June	July	YTD 2022/23
Recycling (%)	14.96%	16.26%	15.74%	14.17%	14.59%	15.19%
Diversions (%)	98.09%	103.75%	104.51%	96.18%	90.98%	98.86%
Moisture Loss (%)	29.82%	30.76%	31.53%	29.64%	32.16%	31.02%

2.1.6. Landfill diversion is calculated by total waste diverted from landfill divided by the total waste delivered. Some months, diversion is above 100%. This is due to the processing of waste taking 14 days (over a month-end). Therefore, in some months more processed material may leave the site than is received. The landfill diversion target is an annual target.

2.2 Complaints

Table 5 - Complaints received by month

2022/23	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Total
Flies	0 (0)	0 (0)	0 (0)	4 (4)							4 (4)
Noise	0 (0)	1 (1)	0 (0)	0 (0)							1 (1)
Odour	0 (0)	0 (0)	0 (0)	0 (0)							0 (0)

(#*) Classified as Unsubstantiated by the EA (Distance from site, wind direction, closeness to other sources, description of complaint levied (burning waste!) or Hygiene / lack of own fly management at complainant's address).

2.2.1. There were 4 new fly complaints received up to July 2022 from neighbouring areas. These occurred during the heat wave on 18th / 19th July. The complaints were received over 24 hours after the event. As such the EA were unable to investigate. Fly numbers did rise during the hot weather but have come down again in line with last year. Internal fly counts remain considerably lower than previous years.

2.2.2 There were no new odour complaints received up to July 2022 via the EA.

2.2.3 There were no new noise complaints received up to July 2022.

2.3 Acid Scrubber

2.3.1 The AD scrubber is now under test with acid, towards the end of the month the scrubber was inspected, and the media was found to be blocked, this was removed, and the system was back up and running 1 August 2022.

2.3.2 Damaged Stack

Following the damage to the stack silencer in the January storms, the affected section has been removed from the stack. The new silencer has been re-engineered and fabricated and the new silencer section of the de-dusting stack was reinstalled as planned on 26th July. The system is now fully functional with no issues arising.

2.3.3 Damaged Pasteurisation Tunnel Walls

Tunnel 2 has been taken out of service due to the deterioration of the walls. Areas of the wall where there is the greatest damage has been supported with a propping system, to allow for an intrusive inspection of the walls.

The structural engineer has issued a report with several solutions for the repair, these are being evaluated by Renewi and the process providers JCBE.

2.3.4 BAT's - permit emission amendments

Renewi have received a draft revised permit from the EA detailing the new required emissions levels. Renewi have formally written to the Councils to notify them that they believe this is a Qualifying Change of Law and therefore, once the changes in the permit have been analysed there may be a claim for any additional resource/expenditure to meet the new permit requirements.

The BDR Team have asked for Renewi to provide detailed analysis of the changes and an in-depth explanation as to where (if any) payment is required from the council.

The BDR team will undertake due diligence of any claim taking legal, financial and technical advice from our external experts. To ascertain if payment is required or the claim is to be rejected.

2.4 Barnsley Transfer Station – Grange Lane

2.4.1 Dilapidation Works - All delays work has now been complete. BMBC commissioned a survey of a schedule of conditions to record a standard for Renewi to keep the site to that good and tenable condition to the end of the contract, which is currently being reviewed by BMBC. Once the review is completed a variation to the BTS contract will be drawn up to agree the maintenance of the facility and more specifically, how the paintwork on the steel should be managed.

2.5 Health and Safety

2.5.1 Sixty Two close calls were raised in July 2022 generating a ratio of 1 close calls raised per employee per month with a close out rate for the recorded actions of 74%.

2.5.2 There have been no accidents in July 2022.

2.5.3 There have been no new environmental incidents up to July 2022.

2.5.4 There have been no new fire evacuations up to July 2022.

Table 6 – Year to date Health and Safety

2020/21	Close Call	Accident less than 3 days	Accident more than 3 days	Non RIDDOR dangerous occurrence	RIDDOR dangerous occurrence	RIDDOR more than 7-day injury	Major RIDDOR	Environmental
April	97	2	0	0	0	0	0	0
May	93	4	2	0	0	0	0	0
June	100	1	0	0	0	0	0	0
July	62	0	0	0	0	0	0	0
August								
September								
October								
November								
December								
January								
YTD Total	352	7	2	0	0	0	0	0

3 Legal

3.1.1 There is additional support as required from a legal locum, and internal and external technical and financial advisors for more complex matters of contract management.

The BDR Team and their external Legal and Financial advisers continue to work on minor variations to the contract to improve the overall service delivery, processes, performance, and contractual interaction between BDR and the contractor.

3.1.2 Joint Insurance Cost Report

The content of the JICR remains rejected by the BDR team

BDR team received a response from the Contractor and Marsh after our original rejection of the 3rd Joint Insurance Cost Report (JICR). An amended JICR has been received, taking into consideration some of the points raised in the rejection letter.

The BDR Team have again formally rejected the amended JICR and issued a letter outlining where we still disagree with some of the calculation used in formulating the JICR

All parties are still working under the previous formal letter issued by the BDR team and accepted by the SPV agreeing to suspend the contractual time frame for either agreeing the JICR or entering Dispute Resolution. This has been agreed as both parties are working in good faith to resolve the impasse over JICR.

It should be noted that the BDR position on JICR is not unique and many JICR are not as yet agreed. Further guidance from the Infrastructure Projects Authority (IPA) on the application of the contract in relation to JICR is expected although there is as yet no indication of when this will be available. The BDR Manager has raised that IPA should ensure that MBTs should not be adversely impacted by the guidance.

4 Financial

4.1 The 22/23 budget was approved at the Joint Waste Board (18th July) the 22/23, remaining at the same level as 21/22 - £287,000.

Table 7 - Operational Management Budget 2022/23

22/23 Budget - Approved by JWB			
	2022-23 Budget	Forecast	Variance
Management	£132,000	£116,753	-£15,247
Administration	£25,000	£20,612	-£4,388
Call off Legal	£65,000	£84,012	-£45,988
External Finance	£35,000		
External Legal	£0		
External Technical	£20,000		
Insurance Advisors	£10,000		
Call off Finance	£0		
Call off Technical	£0		
Projects	£0	£0	£0
Total	£287,000	£221,377	-£65,623

- 4.1.1 Expenditure has been profiled and re-calculated to ensure the team meets all the anticipated workloads due in the 22/23 financial year.
- 4.1.2 Technical, Legal and Financial advice expenditure has not been reduced as it is anticipated that within this financial year (Autumn/winter) the government will announce the outcomes of the consultations on the Resource and Waste strategy for England. The BDR Team anticipate the potential need to commence negotiations on the impacts of the R&WS on the PFI contract, cover costs for ongoing work to implement operational changes and potential variations to the PFI contract. The team will also use these resources to support BDR councils over all aspects of partnership working, including the HWRC re-tendering for a new contract in 2023 and supporting Councils as their waste management teams work towards any individual or joint impacts emerging from the Resource and Waste Strategy.
- 4.1.3 Existing savings within the current management budget (0.4 vacant FTE of Senior Contract Officer Post) has now been utilised to change the current Admin Assistant post into a three-tier career development grade, becoming Technical Officer. This post enhancement has been agreed to enable skill and knowledge gaining within the team to build team continuity and future contingency planning.
- 4.1.4 The current BDR team restructure will see two, two-year temporary positions created within the team, specifically to assist the BDR Partnership deliver the outcomes of the R&WS. The two posts to be created will be 1) a Senior Technical Officer and 2) an Admin Apprentice. The recruitment date for both posts will depend upon the Government and their eventual revised timetable of the R&WS. A Full year's salary expenditure (with on-costs) will be 1) £39,399 & 2) £23,611 (Pro-rata within the 1st and last year dependant on when recruited).

- 4.1.5 At the 18th August 2022 Joint Waste Board approved increase of the current 2023 BDR Operation Budget to cover this additional Staffing Expenditure. The BDR team agreed with the JWB not to call upon this additional budget immediately, instead will request the increase once the post are activated and the additional resources needed.
- 4.2 The BDR team will look to be prudent with any expenditure and will seek to make savings on the budget where possible.

5 Communications

5.1 Press Releases

- 5.1.1 In July, two press releases were issued. 1) about keeping disposable BBQs out of the bin. 2) HotBin composter winners.

5.2 Community Education Liaison Officer (CELO)

5.2.1 Social media:

- Compost messaging on the Waste Less South Yorkshire social media have received 122,091 impressions across Facebook, Twitter, and Instagram.
- Food waste reduction messages received 48,578 impressions in July.
- Posts about making a simple change by hiring instead of buying received 753 impressions.
- A Post for keeping electricals out of the general waste bin received 8,044 impressions.
- A video about MRF recycling facility received 503 impressions.
- Love Your Clothes campaign - 14,162 impressions across Facebook, Twitter and Instagram so far this year.

5.2.2 Hubbub Campaign

- **Barnsley**- Analysis of data is still ongoing. There is still a push to get more survey answers.
- **Doncaster**- The final social media ad has now been posted.
- **Rotherham** - Quiz has been distributed to local libraries. Hubbub are currently investigating if these have been correctly distributed.

- 5.2.3 Home Composting Campaign - Phase one of the finished on 5th June and the campaign received 119,101 impressions on Facebook, Twitter and Instagram. Seven winners were selected for the HotBin competition from a total of 598 entries. All the winners have now received their composting prizes.

- 5.2.4 Food waste campaign - A draft plan was submitted on 27th May 22 followed by a more detailed plan on 1st June 2022. In July, the initial food waste composition analysis has been undertaken and resident surveys distributed. All interventions have now been received by the CELO or are in production and expected shortly.

6 Resources

6.1 The BDR team have been assisting Barnsley, Doncaster and Rotherham councils with projects as identified in section 7.0. There is additional support as required from a legal locum, internal and external technical and financial advisors for more complex matters. It should be noted that the increase in consultation activity from central Government departments is putting pressure on resources. Once the outcome of the consultations are known it is likely that more resources will be required to implement changes to contracts and services. It is difficult to predict the level of resources necessary at this point in time.

7 Joint working and BDR support

7.1 Listed below are the current projects and areas where the BDR team are helping to support the individual councils or co-ordinate joint work:

BMBC

- Additional support of new Garden waste contract due to legal negotiations with current supplier.
- Additional support of Paper and Card contract due to legal negotiations with current supplier.
- Facilitating completion of delays work at BTS
- Working with BMBC on tipping protocols for Fires on Vehicles
- Facilitating numerous non-contractual and contractual additional /new waste stream disposals.
- Facilitating sampling of non-contract waste streams

DMBC

- Assistance with the development of the Doncaster Environmental Strategy
- Legal support on SUEZ contract interpretation - Red Diesel
- Assistance with Commercial Waste recycling optimisation

RMBC

- Support with Recruitment process for Office Staff.
- The BDR Manager is a Climate Change Champion for RMBC
- Assistance on Service and Team Plans for waste teams
- Assistance with Commercial Waste recycling - scoping and service engineering

B.D.R

- Working with WIDP / DEFRA re potential MBT/AD disposal solution obtaining exemption/delay from mandatory Food Waste collection
- Co-ordination, collation and submission to numerous Government/Defra consultation for and around the waste sector.
- Solutions and progression of HWRC contract variation requirements
- Leading on Procurement of new HWRC provision and solution post 2023 – New contract
- Lobbying government of the delays on the R&WS outcomes
- South Yorkshire Municipal Waste Strategy
 - Changes required due to Resource and Waste Strategy
 - Pre-work on Strategic Review of SYMWS as requested at JWB

8. Glossary of Terms

Term	Definition
A2A (formerly Ecodeco)	Italian company who research, design, construct, and manage plant and equipment for the disposal of waste.
Anaerobic Digestion (AD)	A series of biological processes in which micro-organisms break down biodegradable material in the absence of oxygen. One of the end products is biogas, which is combusted to generate electricity and heat.
Compliance Assessment Report (CAR) form	A CAR form is used by Environment Agency officers when assessing compliance with Environmental Permits.
Compliance Classification Scheme (CCS)	Compliance Classification Scheme (CCS) score and what action EA are considering. A CCS score is recorded where non-compliance with a permit condition(s) has been identified
Compositional Analysis	Waste Composition Analysis is a study that provides essential information about the weight and type of each component waste material that is in any given waste stream. It firstly involves obtaining representative samples of these waste streams, then manually hand sorting into various pre-defined sort categories using the correct methodology, which are then weighed in each individual fractions in align with Waste Data Flow (WDF) municipal reporting each waste stream has its own European Waste Code (EWC).
Covid	COVID-19 is a disease caused by a new strain of coronavirus. 'CO' stands for corona, 'VI' for virus, and 'D' for disease. Formerly, this disease was referred to as '2019 novel coronavirus' or '2019-nCoV'.
Department for Environment, Food and Rural Affairs (DEFRA)	The UK government department responsible for policy and regulations on environmental, food and rural issues.
Environment Agency (EA)	An executive non-departmental public Body responsible to the Secretary of State for Environment, Food and Rural Affairs for issues affecting the environment.
FCC Environment	One of the UK's leading waste and resource management companies.
Facebook	Facebook, Inc. is an American online social media and social networking service company.
Ferrybridge Multifuel 1/Multifuel 2 (FM1/FM2)	Multifuel Energy Ltd. (MEL) operates a new £300 million multifuel plant on land owned by SSE at Ferrybridge 'C' Power Station near Knottingley in West Yorkshire. This project is called Ferrybridge Multifuel 1/2 (FM1/FM2)
Household Waste Recycling Centre (HWRC)	A civic amenity site (CA site) or household waste recycling centre (HWRC) is a facility where the public can dispose of household waste and also often containing recycling points.
Joint Waste Board (JWB)	The Statutory Committee comprising Portfolio Holders and Senior Officers with responsibility for waste.
Mechanical Biological Treatment (MBT)	A type of waste processing facility that combines a sorting facility with a form of biological treatment such as composting or anaerobic digestion. MBT plants are designed to process mixed household waste as well as commercial and industrial wastes.
Microsoft Teams	Is a business-oriented communication and collaboration platform that combines workplace chat, video meetings, file storage, and application integration.
Private Finance Initiative (PFI)	Mechanism for creating "public-private partnerships" (PPPs) by funding public infrastructure projects with private capital.
Renewi BDR Ltd	Following SSE's exit from Ferrybridge, Renewi now control 100% of the SPV. The new name of this business entity is Renewi BDR Limited
Solid Recovered Fuel (SRF)	A fuel produced by shredding and dehydrating solid waste (MSW) with a waste converter technology.
Waste Infrastructure Credits	Awarded by DEFRA to incentivise local authorities to develop infrastructure to treat waste as an alternate to landfill.
Waste Transfer Station (BTS)	Facilities where municipal solid waste is unloaded from collection vehicles and briefly held while it is reloaded onto larger long-distance transport vehicles for shipment to landfills or other treatment or disposal facilities.
Waste and Resources Action Programme (WRAP)	WRAP works with governments, businesses and communities to deliver practical solutions to improve resource efficiency.

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<h1>BRIEFING</h1>	TO:	Barnsley, Doncaster and Rotherham Joint Waste Board
	DATE:	22 nd August 2022
	LEAD OFFICER:	Paul Hutchinson
	TITLE:	BDR PFI Project Risk Register
1. Background		
1.1	<p>Barnsley MBC, Doncaster Borough Council and Rotherham Borough Council (the Councils) entered into a principal agreement called the Project Agreement (the PA) in March 2012 with 3SE (Barnsley, Doncaster and Rotherham) Limited (the Contractor). The agreement is to manage Barnsley Transfer Station and design, build and operate a facility to manage the residual waste for the Councils from July 2015 to end of June 2040. The PA also requires the Contractor to achieve agreed levels of recycling and landfill diversion.</p>	
1.2	<p>The Contractor is a special purpose vehicle company set up purely for this PFI project, meaning it has no significant balance sheet strength or assets. It sub-contracts its service obligations, and most of its PA obligations, to Renewi UK Services Limited (formerly Shanks Waste Management Limited), a waste management service company as its operator (the Operator). The Operator produces solid recovered fuel (SRF) from contract waste which is shipped to Enfinium Multi-Fuel, Ferrybridge for thermal treatment. The Councils pay a unitary charge each month to the Contractor who then pays the Operator through an operating contract. The total Councils' payments between 2015 and 2040 are approximately £721M (as forecast at PA signature) so this scheme is, for each Council, one of the highest value contractual commitments.</p>	
1.3	<p>Initially the Contractor was ultimately owned by two of shareholders in the proportion 75:25 through a Renewi investment vehicle and an SSE investment vehicle. In October 2020 SSE announced the sale of their "Multifuel Energy" business (Ferrybridge FM1 and FM2 energy from waste facilities plus other assets) and the Contractor ownership changed. Following SSE's exit from Ferrybridge, Renewi now fully owns the Contractor through an investment vehicle and renamed as Renewi BDR Limited. Although the ownership of the Contractor has changed there is no change in the offtake supply contract terms between Renewi and the offtaker at Ferrybridge so the SRF will continue to be supplied to that offtaker throughout the term of the PFI contract which ends in 2040.</p>	
1.4	<p>The BDR Joint Waste Board last considered the risk register at its previous meeting on 18th July 2022. Since that date the Risk register has been updated bi-monthly and submitted to Steering Committee every 6 weeks and reviewed by BDR Assistant Directors, last reviewed at the 8th September 2022 Meeting.</p> <p>The risk categories are split between red, amber and green (RAG) representing varying degrees of exposure. Each category contains a range of risk scores and the table below shows how the RAG rating and score are derived.</p>	

LIKELIHOOD (A)	Almost Certain 5	5	10	15	20	25
	Probable / Likely 4	4	8	12	16	20
	Possible 3	3	6	9	12	15
	Unlikely 2	2	4	6	8	10
	Very unlikely / Rare 1	1	2	3	4	5
		Insignificant/ Negligible 1	Minor 2	Moderate 3	Major 4	Critical/ Catastrophic
IMPACT (B)						

2. Key Issues

2.1 Changes

There have been no new risks added to the Register.

There have been no Risks removed from the register.

The BDR Team and their PFI Contract Advisers (Legal and Finance) will be undertaking their annual Deep-Dive review of the full risk register. Each risk is to be examined and reviewed to ensure it is still current, at the appropriate level and all consequence, control and management of the risk is appropriate.

Summary of Risks

2.2

Current RAG Rating	01/10/18	22/11/2018	3/12/2018	1/3/2019	30/9/2019	21/11/2019	5/3/2020	30/6/2020	28/9/2020	14/12/2020	15/3/2021	14/6/2021	9/9/2021	13/12/21	7/3/2022	18/7/2022	8/9/2022
Red	2	2	2	3	3	3	3	3	3	1	1	2	2	3	3	3	3
Amber	9	5	5	5	4	4	4	5	5	7	7	7	8	6	6	5	5
Green	4	8	8	8	9	9	10	9	9	9	9	9	9	11	11	12	12
Total	15	15	15	16	16	16	17	17	17	17	17	18	19	20	20	20	20

Target RAG Rating	01/10/18	22/11/2018	3/12/2018	1/3/2019	30/9/2019	21/11/2019	5/3/2020	30/6/2020	28/9/2020	14/12/2020	15/3/2021	14/6/2021	9/9/2021	13/12/21	7/3/2022	18/7/2022	8/9/2022
Red	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Amber	7	5	4	5	5	5	4	4	4	3	3	4	4	3	3	3	3
Green	8	10	11	11	11	11	13	13	13	14	14	14	15	17	17	17	17
Total	15	15	15	16	16	16	17	17	17	17	17	18	19	20	20	20	20

The risks contained in the register require ongoing management action. In some cases, additional resources may be necessary to implement the relevant actions or mitigate risks.

	Any additional costs associated with the risks are reported to the BDR Steering Committee for consideration.
3. Key Actions and Timelines	
3.1	<p>Monitoring</p> <p>The PFI project risk register is reviewed by the BDR Steering Committee at their regular meeting every six (6) weeks and reported corporately via the individual Councils' risk registers. Additionally, the BDR Manager reports to the Joint Waste Team and draws attention to issues to allow internal challenge.</p> <p>The BDR Manager and the Councils' core contract management team will review and update the risk register on a six (6) week cycle to ensure risks are able to be effectively monitored and managed.</p>
4. Recommendations	
4.1	BDR Joint Waste Board is asked to consider and note the attached updated risk register and, after consideration, advise of any further risks to be added to or deleted from the risk register.

Risk Number	Risk	Consequence /effect: - What would actually happen as a result? How much of a problem would it be? To whom and why?	Existing actions/controls - What are you doing to manage this now?	Risk Score with existing measures (See scoring table)		Current Score	Further management actions/controls required - What would you like to do in addition to your controls?	Target Score with further management actions/controls		Target Score	Risk Owner (Officer responsible for managing risk and controls)	Risk Review Date	Movement
				I	L			I	L				
8 (CSS13)	Changes to Collection services and that impact on the PFI Contract - waste volumes change	Potential to impact on the performance of the plant. Potential to impact on the Third Party Revenue Share due to the Councils. Implications on PFI Credits. Implications on Inter Authority Agreement.	Inter Authority Agreement measures. Significant collection change clause in the PFI Contract. Current WIDP/DEFRA position in terms of Credit Allocation position requires BDR to abide by the terms and conditions in the Promissory letter and the Final Business Case.	4	5	20	Dialogue with WIDP/DEFRA and between BDR Councils. Test potential impacts to the contract/Councils against the IAA3. Lobby Government on recycling definitions.	3	4	12	BDR MANAGER	08/08/22	
9 (CSS13)	Changes in Government Law/Regulations including W&RS (Legislative Change)	Potential financial implications due to change in law triggering negotiated changes to BDR PFI contract and financial model to cover the required service / disposal change. Councils could take more risk than anticipated	Procedure incorporated in the Contract Conditions. Impact and actions to be jointly agreed with the Contractor to mitigate costs as far as possible. In-depth negotiation will be undertaken with (already procured) Legal and Financial expertise working for the Councils. Application of the Change in Law Clauses within the contract	4	5	20	Consider the need for the Change in Law retention fund. Ensure contribution to consultations. In-house Legal & Financial expertise has worked on the PFI Contract from inception - Large in-depth knowledge of PFI contract.	3	4	12	BDR MANAGER	08/08/22	
23 (CSS13)	Changes in Technology due to innovation or Government Law/Regulations (Carbon Capture) at Energy from Waste Plant	Potential financial implications if due to change in law. Initial negotiation with Renewi and Enfinium. Renewi may wish to cascade effects. Would trigger clauses covering this scenario (changed to EFW downstream contract)	Procedure incorporated in the Contract Conditions. Impact and actions to be jointly agreed with the Contractor to negate or mitigate costs as far as possible. In-depth negotiation will be undertaken with (already procured) Legal and Financial expertise working for the Councils. Application of the downstream Changes to EFW contract Clauses within the contract. Enfinium requested to supply situational update via monthly OpCo meeting.	3	5	15	In-house Legal & Financial expertise has worked on the PFI Contract from inception - Large in-depth knowledge of PFI contract and clauses. Experienced negotiators in . Response from Enfinium - "Do not currently use any Carbon Capture technology at any Enfinium facility, however have started discussions with several potential technology partners as it is likely to become mandatory to capture a percentage of stack gas carbon for the Few sector in the next 10 to 15 years."	1	5	5	BDR MANAGER	08/08/22	
17 (CSS13)	Contractor is in Contractor Default due to financial failure of contractor	Funders assess the position and decide whether to step in and avoid Contractor Default. If they do not then the Contractor could be terminated by the Councils.	Contractor to limit exposure to unnecessary costs and protect income during any negotiations of change. Councils have standard HMT approved contract drafting to manage termination process.	4	3	12	Ensure appropriate application and understanding of the contract. Continue to maintain a good contractual relationship with operator and key staff.	4	3	12	BDR MANAGER	08/08/22	
16 (CSS 13)	Operating sub-contractor exits UK Municipal market due to financial pressures	Service disruption	The PFI model anticipates several stages where the private sector entities - Operating Sub-Contractor, Contractor (Equity and Junior Debt Investors) and Senior Lenders - all progressively take risk (and lose their investment/loans) before the Councils bear additional costs risk. The Contractor would be required to replace the Operating Sub-Contractor and pay the costs of doing so. Compensation would be payable by operating sub-contractor in addition to the letter of credit they have in place.	4	3	12	The Councils will identify areas where they could work with the Contractor and operating sub-contractor to help reduce the losses they are currently facing whilst maintaining the intended risk transfer and achieving the required service performance. However, they should ensure that they outcome of any negotiations does not result in the Council being liable for increased compensation on termination costs should a termination still be likely as a result of the contract being considered more valuable on a market tendering exercise. Ensure appropriate application and understanding of the contract. Continue to maintain a good contractual relationship with operator and key staff.	4	2	8	BDR MANAGER	08/08/22	
20 (CSS13)	Lack of resources having exited the European Union	Potential reduced resource implications to deliver waste services. Maintaining supply chain due to lack of EU workforce and resources. Contractor unable to fill key posts or maintain haulage capacity due to UK exiting the EU	Ensuring long term resources and man-power planning monitored and maintained. Ensuring workforce and resources are primarily UK based.	3	4	12	Work with trade bodies to ensure staff skill maintained and engaging with stakeholders to encourage new entries into Waste Management arena	2	2	4	BDR MANAGER	08/08/22	
18 (CSS13)	Pandemic	Lack of staff/consumables due to a Pandemic results in facility not being able to function	Contingency plan in place. Staff able to work from home social distancing measures in place. Provision of information to staff on preventative measures e.g. hygiene measures. Minimising the amount of person to person contact. Minimising sharing of handheld equipment. Use of PPE e.g. gloves. Closely monitoring all developments internationally as well as advice from Governments and local health experts	3	3	9	Work closely with partners to monitor situation and communicate if any cases occur locally. Escalate risk as appropriate. BDR team work from home where necessary, also have meetings by SKYPE if situation escalates to minimise chance of cross infection. Testing/immunisation program for contractors staff and household members. Liaison with Statutory bodies to ensure waste operators have essential status for accessing PPE if necessary. Source several suppliers.	3	2	6	BDR MANAGER	08/08/22	

21 (CSS13)	Changes in Local Authority policy.	Potential financial implications due to change in service negotiated for changes to BDR PFI contract and financial model to cover the required service delivery .	Procedure incorporated in the Contract Conditions. Impact and actions to be jointly agreed with the Contractor to mitigate costs as far as possible. In-depth negotiation will be undertaken with (already procured) Legal and Financial expertise working for the Councils. Risk may be transferable to Council if changes requested by them and not national change in law	3	3	9	In-house Legal & Financial expertise has worked on the PFI Contract from inception - Large in-depth knowledge of PFI contract, will ensure that if possible any changes are covered under contract change protocols, or minimise risk and costs re-charged to the Authority.	2	1	2	BDR MANAGER	08/08/22	
2 (CSS13)	Contractor default needing emergency action and/or leading to contract termination.	Service disruption. Temporary full or partial closure of facilities.	A series of performance bond and Parent Company Guarantees exist to provide and/or pay for interim/alternative arrangements to be made. Funders would work with BDR to bring in a new contractor to deliver the service. Contingency arrangements may be implemented in the short term. Robust contract monitoring procedures	4	2	8	Ensure monitoring staff are sufficiently skilled to manage this situation. Liaison with other PFI Contract Managers, knowledge transfer	3	2	6	BDR MANAGER	08/08/22	
15 (CSS 13)	Recycling Markets	Lack of recycling markets impacts on Contractors ability to achieve recycling rate	Reviewing disposal points, ensuring Contractor has contingency in place	2	4	8	Councils may consider taking on more risk (as long as this is properly assessed) to deliver savings. Currently being investigated as part of the Councils' operational savings review. Encourage market development of local Waste Treatment / recycling infrastructure through Waste Management Plan and DPD	2	2	4	BDR MANAGER	08/08/22	
19 (CSS13)	UK having exited the European Union	Potential financial implications to cover the cost of supply chain if involves markets in the EU.	Contractor to limit exposure to unnecessary costs and delays in supply chain from the EU. Ensuring long term planning of stocks and supplies. Ensuring waste off-take is primarily UK based.	2	4	8	For main off-take of EFW is contracted long-term to UK based Ferrybridge MF EFW facility. Encourage development of local development of supply chains for key equipment through DPD.	2	2	4	BDR MANAGER	08/08/22	
6 (CSS13)	Serious injury/death of a member of staff or public through service operation (MAJOR INCIDENT AT ITS/AD)	Personal tragedy. Health and Safety Executive intervention. Possible service disruption. Possible corporate liability offence	Contractor has completed and regularly reviews full Risk Assessments. Staff training, H&S Inspections, Contract Monitoring and performance deductions for non compliance. External Audit has been undertaken by Consultants and RMBC Health and Safety Team Regular monitoring of the Contractual requirements in relation to Health and Safety Consistent application of the Payment Mechanism	3	2	6	Regular visits by health and safety officers. Quarterly health and safety meetings.	3	2	6	BDR MANAGER	08/08/22	
7 (CSS13)	Obtaining required terms for Insurance is difficult due to market conditions - Insurance costs increase	There is a lack of Markets for Insuring waste plants	Robust fire strategy, latest technology for fire suppression . Fire plan signed off by insurers BDR Technical advisors and Independent Certifier. Regular fire drills. Contractor liaison and education of insurance markets. Contractual position on insurance. Implementation of fire improvement works. Regular meetings with insurance broker, two month leading up to renewal to understand where contractor is with placement of insurance & any issues, movement away by insurers and cover obtained. Seeing annual improvements in process and cover being attracted	3	2	6	Consider reviewing the insurance requirements. Enforcement of Contractual positions. Council become insurer of last resort. For 2022, improvements seen in ability to place insurance, and breadth of insures willing to insure BDR	3	2	6	BDR MANAGER	08/08/22	
14 (CSS13)	Insurance for the BDR Waste Treatment Plant is not available	The Councils would become the insurer of last resort. The Contractor would have to approach the market every 4 months to attempt to obtain insurance/ Contract would be terminated	Contractor in liaison with Insurere is progressing upgrade of the Fire Protection systems. Insurance broker is working with Insurance market to build confidence. Regular meetings with insurance broker, two month leading up to renewal to understand where contractor is with placement of insurance & any issues, movement away by insurers and cover obtained. Seeing annual improvements in process and cover being attracted	3	2	6	Robust case against Uninsurable argument. Ensure Contractor completes the fire improvement works. For 2022, improvements seen in ability to place insurance, and breadth of insures willing to insure BDR	3	2	6	BDR MANAGER	08/08/22	
10 (CSS13)	Environmental Impact to Local Area from Noise/Odour/Flies/Vermin etc (Compliance)	Reputational damage and adverse publicity from pollution emanating from State of the Art Facility. Potential for Local/National interest	Contractual controls and performance measures. Monitoring the contract. Pro-active engagement with the local community . Sharing data Regular monitoring outside the perimeter of the plant. Close liaison with the Local Environment Agency officer to monitor the plant and agree Fly and Odour Management Plans. 20/21 has seen a dramatic reduction in complaints couples with EA engagment and approval or fly management on site couples with data showing dramatic reduction in fly numbers inside the plane. EA have also identified poor fly management elsewhere in the dearn valley	2	3	6	Increased fly spraying during the fly season. Use of different insecticides. Increased pit management and emptying. Communicate to householders to wrap waste. Ensure biofilters are adequately maintained	2	2	4	BDR MANAGER	08/08/22	

11 (CSS13)	Failure of plant equipment results in withdrawal of credits (Review of WICS)	Reputational damage and adverse publicity emanating from poor performance of state of the art facility. Potential for Local/National interest. Budget impact	Regular contract meetings/Monitoring and review procedures/Contingency facilities in place/Performance deduction , Step in provisions exist. It is likely that the Funders would step in an appoint another Contractor if performance is poor. Alternately the Councils could step in until the Contract could be retendered	3	2	6	Ensure monitoring staff are sufficiently skilled to manage this situation. Liaison with other PFI Contract Managers, knowledge transfer close liaison with DEFRA. Contractor has improved the refinement and is introducing further measures to ensure plant performance continues to improve	3	1	3	BDR MANAGER	08/08/22	
13 (CSS13)	Closure of facility or inability to provide the service due to a force majeure event (major incident at ITSAD Facility)	Service disruption. Temporary full or partial closure of facilities.	Contractual conditions provide a shared responsibility to agree measures to mitigate the effects and facilitate the continuation of the service. There are contingencies and other controls within the contract to divert waste to other waste facilities. No current short to medium threat.	3	2	6	Undertake a communications campaign. Use contingency sites and/or other contracts where possible e.g. Veolia landfill contract. Use emergency procurement if absolutely necessary.	3	1	3	BDR MANAGER	08/08/22	
22 (CSS13)	Lack of resources due to contractor staff restructures, staff resignations, or leaving company. Failure to have a knowledge of current level of management of facility and contract.	Failure to deliver the contract effectively, and deliver the terms of the contract to ensure not in breach of the contract requirement. Reduction in the good working relationship between contractor and client	Client contract manual to document the processes and procedures. To be maintained and updated when changes occur. Staff training and development. Knowledge of contractual processes and procedures to be held on contractors management system	3	2	6	To ensure regular operational meetings where staffing and contingency is discussed. Obtain prior knowledge of staff changed due. Work with new staff members to maintain client Contractor relationship and adherence to contract delivery	3	1	3	BDR MANAGER	08/08/22	
4 (CSS13)	Fraud	Contractor could attempt to charge for more than they are entitled to/Client team could collude with Contractor	Process for checking Tickets from each Council is in place. Financial and Legal Officers form part of team. Information shared across all 3 Councils Direct debit mandate is in place for Barnsley and Doncaster to pay Rotherham. All deductions are accounted for in line with the IAA3. Guaranteed minimum tonnage requirement for the Councils. Regular reports to Steering Group/Joint Waste Board. Systems in place to pay the Contractor Internal and External Audits undertaken	2	2	4	Continue to ensure open door policy maintained and easy access to information (contract requirement) continues. Regular site visits. Maintain good contractor client relationship. Duty of care audits with 3rd party off-takers	2	2	4	BDR MANAGER	08/08/22	
12 (CSS13)	Lack of resources due to restructures, and staff resignations failure to have a knowledge management plan (Business Continuity - BDR)	Failure to monitor the contract effectively/make payments resulting in Breach	Contract manual to document the processes and procedures. To be maintained and updated when changes occur. Contract information held on CIPFA site and on a Sharepoint portal. Staff training and development. Knowledge management plan.	2	2	4	Staff retention could be improved if a clear career path existed. CIPFA Asset Management system to hold all relevant documentation. PFI Manager post now fully staffed. Review of PFI structure and building skill of existing staff through training and upskilling. Additional succession planning to be undertaken.	2	1	2	BDR MANAGER	08/08/22	

Risk (What is the problem / hazard? What is it that will prevent you from meeting your objective?)	Consequence /effect: (What would actually happen as a result? How much of a problem would it be? To whom and why?)	Existing actions/controls (What are you doing to manage this now?)	Risk Score with existing measures (See scoring table)			Further management actions/controls required. (What would you like to do in addition to your controls?)	Target Score with further management actions/controls required (See Scoring Table)			Cost (of impact; of current controls; of further controls) £	Risk Owner (Officer responsible for managing risk and controls)	Risk Review Date
There is a risk that the contractor will not comply with the terms and conditions and the performance will be less than the Councils are paying for.(Compliance)#1 Remove this risk as now covered with other risk listed.	Service disruption. Temporary full or partial closure of facilities.	Regular contract meetings/Monitoring and review procedures/Emergency plan/Contingency facilities in place/Performance deduction , Step in provisions exist. It is likely that the Funders would step in an appoint another Contractor if performance is poor. Alternately the Councils could step in until the Contract could be retendered	2	2	4	Ensure succession planning is adequate. Invest in training for the current team Project Management and COTC.	2	1	2	Approximate costs for training in Project Management and COTC £4,000	BDR Manager	1st October 2021
Ensure the balance of risk between Contractor and BDR is maintained. #5 Remove this risk as now covered with other risk listed.	Councils could take more risk than anticipated	Change protocol in place, consideration needs to be given to level of risk as changes are negotiated.	3	2	6	Councils may consider taking on more risk as long (as this is properly assessed) to deliver savings. Currently being investigated as part of the Operational Savings review	2	2	4	Approximate costs for financial advice £30,000 Legal advice would also be needed approximately £30,000 money already allocated in Operational Management Budget for this.	BDR Manager	1st October 2021

PFI Waste Treatment Facility – Community Liaison Group meeting on Tuesday, 10 May 2022 at the Manvers site.

Attendance:

Non-Members:

Apologies were received

Written updates from Renewi, BDR, the CELO and Stratiji had been circulated previously. Brief summaries and further updates were given verbally at the meeting and CLG members had the opportunity to ask questions.

1. Welcome and introductions. The chair welcomed everyone to the meeting, including representative from JWS Media who will be providing communications support following the retirement of representative at Stratiji.

2. Notes from the last ‘virtual’ meeting on 1 February 2022. These were agreed as a true record.

3. Issues arising. There were none.

4. Renewi BDR Ltd update.

The Renewi BDR Contract Director summarised and updated his written report. After a quieter January and February, the number of positive Covid cases increased in March with a total of six staff members testing positive. In April this increased by one to seven infections, four of which have now returned to work.

Waste inputs to the facilities continue to taper towards pre-Covid tonnages. The forecast for this financial year is approximately 217,000 tonnes of contract waste. In the last quarter (Q4 FY22) we received 53,398 tonnes of contract waste. The total waste handled was 57,322 tonnes which includes garden and third-party waste which sit outside the contract framework.

The recycling performance was reasonably strong in the last quarter with an overall performance of 15.18% of material recycled. This is a good output performance when considering the Bolton Road site only processes residual waste. Another key driver in the process, moisture loss, was also positive in the quarter. Historically there is a seasonal dip in moisture loss over the winter period but this year the plant achieved 29.58%. This is the best performance for four years.

The project to reinstate the de-dusting stack following damage sustained in storms at the end of January has been delayed by an estimated eight weeks because of fabrication issues. Following inspection of the silencer element of the stack, the decision had been made to manufacture a completely new section incorporating additional protection against high winds. The stack was scheduled to be reinstated by the end of May. BDR Contract Director to report back to CLG on reinstatement progress.

The selection process for candidates for our apprenticeship programme is complete. Our first new apprentice is expected to start in June with day release arranged to attend Barnsley College. The second apprentice will start later in the year.

Two shutdowns are scheduled this year at the Ferrybridge EFW facilities. FM2 will shut down in May for 21 days and FM1 will do the same in October for 14 days. The dates are dependent on the availability of components and specialist labour from within the UK and overseas.

A CLG member asked about job vacancy levels at the site. It was acknowledged there is an industry skills shortage being felt locally and nationally. The company intended to offer the two new apprentices a permanent role on completion of their training.

Action: Quarterly figures on waste received and amount recycled to be reported at each CLG meeting.

Action: Report back on the reinstatement date for the de-dusting stack.

BDR. The BDR Manager summarised and updated her written report. The BDR Councils continue to successfully deliver waste services and collect all waste streams as scheduled. There remains a significant pressure on collections across the three Councils due to a national reduced availability of HGV drivers, recruitment and training plans have been put into place but there are long waiting times for newly trained drivers to take their HGV driving tests.

All three Councils' garden waste collection services have re-commenced or increased to summer collections frequency. All three Councils do not anticipate any disruption to their services this year. Rotherham MBC has reduced the price of subscriptions for existing customers to compensate for two missed collections in 2021 caused by a temporary suspension of the service due to a shortage of crews because of widespread Covid isolations.

Councils saw an increase in household waste over the last two years because of a change in households' domestic situation because of Covid. We are now seeing a tentative lowering of household waste tonnages and it is hoped that the trend will reduce back down to pre-Covid levels. This may be because people are returning to the workplace and working less from home or an effect of the cost-of-living crisis and rising energy and food bills leaving less disposable income. All councils remain confident that they will be able to collect and treat the waste.

Household Waste Recycling Centres (HWRCs) continue delivering a full normal service, and from April through to the end of September all have now moved to longer summer opening hours. The Councils are currently reviewing what HWRC provisions can be delivered in anticipation of when the current contract to run the service is renewed in October 2023. They are hoping to issue a public consultation to gain an understanding of how residents perceive the HWRC.

The Environment Bill entered UK law in November and secondary legislation from the Act is anticipated to be laid in Autumn/Winter 2022. It will be this secondary legislation that will drive policy and legislation changes which will have a major impact on Councils and how they must deliver their waste collection and disposal services. After four major consultations around the Resource and Waste Strategy, the Government has only published one set of findings and recommendations (in respect of Extended Producer Responsibility, or EPR). It is anticipated the remaining reports will be published in Spring 2022.

The Government have launched several more consultations to shape resource management in the future. These include changes to Carriers, Brokers and Dealers legislation, digital reporting, Environmental Target setting and UK Emissions Trading. More consultations are expected as reports from previous consultations are published in the future.

CLG members wanted reassurance the renegotiation of the HWRC contracts would not lead to service cuts. Group members restated their previous request that when the HWRC contracts were negotiated, there should be consistency across the councils so that BDR residents could use HWRCs in all three areas. They felt the councils should examine if the HWRCs were in the right places and offered a service that was easy to use to avoid incidents of fly-tipping.

CLG were advised the local authority HWRC consultation ran until late summer if they wished to take part. The results of the consultation would feed through into the new contract negotiations. Members were also able to contribute to the DEFRA consultation currently taking place.

Action – provide a link to the consultations in the CLG meeting notes

[Defra - Citizen Space](#)

Community Education Liaison Officer. The CELO summarised and updated her report. In March, we participated in the national Food Waste Action Week campaign.

A major three-year Food Waste campaign is planned in partnership with the councils. The campaign will include a detailed analysis of bin waste in small, sample BDR areas and surveys of residents. Interventions designed to reduce food waste will then be trialled and further analysis undertaken. The intervention measures will be assessed for effectiveness with a view to using the data collected to roll out a campaign across BDR.

The second half of the Love Your Clothes campaign took place in March making the campaign reach just under 250,000 impressions across all our social media platforms.

Four projects have been selected to fund as part of our Corporate Social Responsibility fund in February. They are:

- **Mexborough food bank (£3,000)** To assist with the continued operation of the food bank in the Mexborough area including collection of 'waste' food from supermarkets. – Pending submission/approval of documentation
- **Darton East Community fridge (£1,000)** To introduce a second community fridge in Barnsley. – Pending submission/approval of documentation
- **Yorkshire Bike Shack CIC (£1,000)** To run training sessions to repair and recondition old bikes to safe, road-worthy condition, run in-school bike maintenance sessions and promote sustainable travel. Also being funded by SUEZ environmental fund. – Funds transferred to project
- **Community Connect CIC (£1,000)** To increase accessibility to their community sensory garden to increase their provision to people with mobility issues. – Funds transferred to project

In person site tours and education visits are now back on and are already proving popular. In March, we provided ten sessions with 683 young people and three site tours for 15 people.

The CELO Plan for 2022-23 has now been approved and we have already started on the delivery of this. This year's plan was formed with help from the Councils who expressed their most important waste priorities. The plan is formed of primary topics, which will be delivered regardless of the outcomes of the resource and waste strategy for England consultations, and secondary topics which are subject to change following the consultation results and continuation topics that we are continuing from last year.

A home composting campaign started in May and will include top composting tips and a competition. Members of the community who are doing something to reduce, re-use and recycle their waste will be showcased on our social media.

Communications. Press releases have been issued to local and regional print and broadcast media on DIY re-use, Kids' re-use, Food Waste Action Week at the beginning of March and the benefits of home composting, with the opportunity for people to win state-of-the-art home composters. The campaign is timed to coincide with International Compost Awareness Week from 1st to 7th May 2022. The common theme running through all these campaigns is to reduce waste, save money and help the environment. Details of all the campaigns appeared on the BDR website, and on local authority websites. The next press release being planned will be to announce the winners of this year's Renewi Corporate Social Responsibility Fund once due diligence checks have been completed.

8. Any other business. Following the end of remote CLG meetings during the Covid pandemic and a return to face-to-face meetings a member of the group asked that an updated CLG list, showing residents and who they represent, and councillor members, be circulated.

Action – circulate updated list of CLG members to the CLG group. This will be actioned at the end of May once the councils have updated their list of members serving on external bodies.

A CLG member asked if there had been any increase in flies as we move into the warmer weather. It was reported by the Operations Manager that the numbers were the same, or slightly lower than last year. Treatments had only just needed to be started.

The CLG member reminded the meeting there had been complaints last year about high numbers of flies at a nearby business. There was a discussion about the investigation carried out into the complaints by the Environment Agency and the involvement of the local MP John Healey. As a result of the strict control measures in place at the BDR site the EA stated they did not believe the BDR site was the source of the flies and that they were looking elsewhere in the area. An unpermitted waste operation was found to be operating nearby. Following his visit John Healey issued a press statement commenting on the investment made in fly treatment at the BDR plant, the reduction in complaints and the fact the EA did not believe the site was responsible for the problem with flies.

The CELO, who was acting chair for the meeting, said it was six months since a CLG member had been chair. She asked if any member would like to take on the role in future. Because of the intake of new members, it was decided to allow a settling in period and look at the issue again in future.

9. Date, time, and venue for next meeting, this will be a face-to-face meeting at the Visitor Centre at Manvers on Tuesday, 9 August 2022 at 6pm.